

REMARKS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 – 21 are pending in the application. Currently, claims 1, 2, and 9 – 15 stand rejected; claims 3, 4, 7, and 8 stand objected to; and claims 5, 6, and 16 – 21 stand withdrawn from consideration as being directed to a non-elected invention.

By the present amendment, claim 11 has been amended and new claims 22 through 35 have been added to the application.

In the office action mailed July 9, 2003, claims 10, 11, and 13 – 15 were rejected under 35 U.S.C. 112, first and/or second paragraph; and claims 1, 2, 9, 12, and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,183,211 to Menioux.

The foregoing rejections are traversed by the present response.

With regard to the rejection of claims 10, 11, and 13 - 15 under 35 U.S.C. 112, first and/or second paragraph, the Examiner is requested to reconsider his position. First, the rejection of claims 10 and 11 is without merit. Basis for these claims can be found on page 5, lines 4 – 22 of the specification. Nothing more is needed to support these claims. Applicants do not need to describe any electrical or starting equipment because these elements are not being claimed. The only thing that is being claimed in claims 10 and 11 are particular types of auxiliary power units which as mentioned above are described in the aforementioned portion of the specification. With regard to the language of claim 10, it does not say that pneumatic air is being provided to electrical loads. What the claim says is that the auxiliary power unit provides pneumatic air to the at least one load and provides electrical loads for an aircraft. With regard to claim 11, the phrase “said pneumatic air” has been deleted from the claim.

As for claims 13 – 15, the claims are well supported by the language on page 5, lines 4 – 22 of the specification. Again, the only thing that is being claimed is the structure of the secondary power means.

As to the contention that the cited passages from claims 10, 11, 13, and 14 constitute mere statements of intended use, such contention is not true. These claims are all directed to structure of the secondary power means, not mere statements of intended use. As for the Examiner's inquiry about claim 15, the answer to the question that has been posed is the mere presence and operation of the secondary power unit provides heat to the primary gas turbine engine.

With regard to the rejection of claims 1, 2, 9, 12, and 15, in Applicants' opinion, the Examiner's interpretation of Menioux is strained. Menioux is directed to optimizing a thrust system for supersonic applications. Menioux discloses inner and outer thrust-producing turbojet engines mounted concentrically and which are incorporated into a single propulsive engine for an aircraft. Specifically, Menioux discloses an inner engine 3, housed in an inner casing 12 (also see item 25 in Figure 2), and an outer engine 2 disposed around engine 3 and which is located outside casing 12. Inner engine 3 must be said to be the primary engine, since Menioux contemplates that engine 3 will usually operate without engine 2 operating (see column 3, lines 4 - 6).

Persons skilled in the art use the term "core" as a term of art to refer to the compressor-combustor-turbine section of a gas turbine, and the gas path therethrough. A "core casing", therefore will be understood by such persons as a casing for housing the engine core, and the "core compartment" would be the interior of such a casing. In Menioux, the core compartment of the primary engine, therefore, is clearly the interior of casing 12/25, as this casing houses the

engine core (see, for example, column 3, lines 21ff). Menioux teaches locating secondary engine 3 outside of the casing 12/25. Consequently, the Examiner's 102(b) rejection of claims 1, 2, 9, 12 and 15 is clearly untenable and withdrawal is therefore respectfully requested.

Further, the so-called secondary power means of Menioux is not used to provide pneumatic air to at least one load. Thus, it does not meet the claim limitation of a "secondary power means for providing pneumatic air to at least one load" in claim 1. The Examiner's contention that the aforementioned limitation does not qualify as a section 112, sixth paragraph element is erroneous. The element is clearly claimed in means plus function language – nothing more is required.

New claim 22 is clearly allowable over Menioux because there is no inner core cowl which is located radially inward of the nacelle cowl about the primary gas turbine engine 2.

New claims 23 – 35 are presented to provide claims of differing scope and are believed to be allowable.

Since claim 1 is allowable over Menioux and is a generic claim, claims 16 – 18 should be indicated as being allowable. Similarly, since claim 3 is a generic claim, currently withdrawn claims 5 and 6 should now be indicated as being objected to.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.


Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicants' attorney at the telephone number listed below.

A petition for a one-month extension of time is enclosed herewith along with a check in the amount of \$448.00 to cover the cost of the one-month extension, the extra claims, and the

additional independent claims. Should the Commissioner believe that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

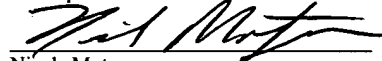
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on November 3, 2003.

  
Nicole Motzer